



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,435	12/11/2000	Amir Ben-Efraim	M-9389 US	1861

32794 7590 08/25/2004

KOESTNER BERTANI LLP  
18662 MACARTHUR BLVD  
SUITE 400  
IRVINE, CA 92612

EXAMINER

NGUYEN, LEE

ART UNIT PAPER NUMBER

2682

DATE MAILED: 08/25/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/737,435

**Applicant(s)**

BEN-EFRAIM ET AL.

**Examiner**

LEE NGUYEN

**Art Unit**

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-58 is/are pending in the application.
- 4a) Of the above claim(s) 2-5, 11-14, 18, 20-27, 31-42 and 52-58 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43-51 is/are allowed.
- 6) ☒ Claim(s) 1, 6-10, 15-17 and 28-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to the communication filed 7/13/2004.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 6-10, 15-17, 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Guedalia et al. (US 2001/0043684).

Regarding claim 1, Guedalia teaches a method of interfacing to a user, the method comprising: using a data connection to receive a plurality of descriptions of audio contents [0013]; receiving from the user a selection of a first description from among the plurality of descriptions [0014]; and automatically placing a voice call to play a first audio content described by the first description in response to the selection [0014].

Regarding claim 6, Guedalia also teaches using the selection of first description identified by the data connection to play the audio content during the voice call [0013].

Regarding claim 7, Guedalia further teaches that each of the data connection and the voice call are respectively formed with a first logic and a second logic; and the method includes the first logic providing information about the user to the second logic [0141].

Regarding claim 8, Guedalia also teaches that the information being provided includes an identifier of an audio content currently described to the user [0152-0153].

Regarding claim 9, Guedalia also teaches receiving a plurality of calls from a corresponding plurality of users; and matching the audio content to be played with a call, based on an identifier obtained from a wireless handset of the user (see fig. 1, numerals 108, 110).

Regarding claim 10, Guedalia also teaches retrieving each of the audio contents from the Internet [0013].

Regarding claim 15, Guedalia also teaches terminating the voice call on completion of playing of the first audio content [0091]-[0093].

Regarding claim 16, Guedalia also teaches that the data connection is suspended during the voice call [0013].

Regarding claim 17, Guedalia also teaches that each description is different from another description [0152].

Regarding claim 28, Guedalia teaches a method of interfacing to a user, the method comprising; using a data connection to receive a description of an audio content ([0013], [0138-0140]); receiving from the user a command to play the audio content [0141]; and placing a voice call to play the audio content in response to the command [0141].

Regarding claim 29, Guedalia also teaches that each of the data connection and the voice call are respectively formed with a first logic and a second logic; and the method includes the first logic providing information about the user to the second logic [0141].

Regarding claim 30, Guedalia also teaches that the information being provided includes an identifier of an audio content currently described to the user [0152-0153].

***Allowable Subject Matter***

4. Claims 43-51 are allowed.

Claim 43 is allowed as stated in the remarks.

### ***Response to Arguments***

5. Applicant's arguments filed 7/13/2004 have been fully considered but they are not persuasive.

In the remarks, Applicant contends that Guedalia teaches the user making the telephone call at a later time once the user selects the location of the audio content he would like to receive. Thus Guedalia does not teach placing the voice call automatically in response to the selection of the description in [0014].

In response, in paragraph [0014] Guedalia teaches "In a typical scenario, a user may wish to listen to a world news broadcast, such as the BBC World Service at the URL <http://www.broadcast.com/bbc/>, while traveling. The user accesses a network server of the present invention, establishes a user name and password, and indicates that he would like to receive the BBC World Service broadcast, typically by providing the associated URL or by selecting a predefined URL. Later, the user places a telephone call to an IVR interface of the present invention and enters his user name and password. **The user is then presented with a menu of**

choices, including URLs that the user previously indicated, typically presented by content category. The user then chooses a category that includes the BBC World Service broadcast and then selects the BBC World Service broadcast. Responsive to this selection, the apparatus of the present invention establishes a network connection with <http://www.broadcast.com/bbc/>, if such a connection has not earlier been established. The network server receives the news broadcast in a streaming audio format, and then renders the streaming audio to provide a telephone output”.

Therefore, as emphasized, Guedalia teaches that responsive to the user selection, the apparatus establishes a connection with the BBC broadcast because it has not earlier established. Consequently, Guedalia does teach the claimed limitation.

Regarding the rejection of dependent claim 15, Applicant further contends that Guedalia fails to teach the inherency of terminating the voice call on completion of playing of the first audio content.

In response, as indicated in paragraphs [0091] through [0093], the user can select a portion of audio content and the computer network

transmits to the telephone the portion of the audio content. After playing the portion of audio content the user can terminate the voice call.

Regarding the rejection of dependent claim 16, Applicant further argues that Guedalia fails to teach that the data connection is suspended during the voice call as stated in paragraph [0013].

In response, it is noted in paragraph [0012] Guedalia teaches that the telephone can retrieve audio content without requiring that the telephone have computing capabilities. Further in paragraph [0013], Guedalia teaches that the set of personal preferences may be stored on an easily accessible database for later access via telephone by dialing into an IVR. According to this teaching, the data connection is suspended during the voice call because the telephone has no computing capabilities. Rather, the computer has to register with the IVR or make a data call with IVR in advance the predefined set of personal references so that the telephone can receive the audio output subsequently. Therefore, Guedalia does teach the claimed language.

The argument concerning the rejection of claims 43-51 is moot in view of the allowance.



***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

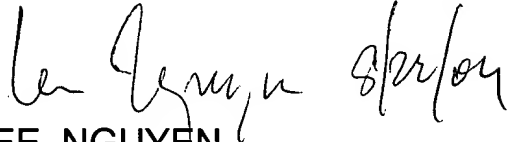
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
LEE NGUYEN  
Primary Examiner  
Art Unit 2682